

REMARKS/ARGUMENTS

The Applicants' representative has carefully reviewed the Examiner's Office Communication of April 19, 2006, in which the Examiner rejects claims 1-3, 8, 14, 15, and 17-22 under 35 U.S.C. 102(b) as being anticipated by Maust (U.S. Patent No. 6,267,113) and in which the Examiner rejects 4-7, 9-13, 16, and 23-32 as being obvious over Maust in view of various other prior art, including the purported knowledge and ability of a skilled artisan, Hussong (U.S. Patent No. 5,738,084), Wilk (U.S. Patent No. 6,354,831), and Shimek (U.S. Patent No. 5,601,073).

With respect to the Examiner's rejection of the claims and the Examiner's response to the Applicants' amendment of February 21, 2006, the Applicants hereby amend claims 1, 17 and 20 to clarify that the side panels can be removed without any other disassembly of the outdoor fireplace. Furthermore, claim 30 is amended to include a limitation calling for a side panel which is individually removable without any other disassembly of the outdoor fireplace. The Applicants respectfully assert that Maust does not disclose such a configuration. The Applicants direct the Examiner to Maust, col. 4, lines 39-50, at which Maust instructs that, after sliding the transparent panels 17 into the slots 19, 21, "a tenon end 25 of a support arch 24 is slid into grooves 23 **to lock the arches 24 in place** and columns 18 together, the bottom of grooves 23 supporting the arches 24 above the glass panels 17 in slots 19, 21." As such, it is apparent that other components of Maust, including at least the arches 24, must be removed first before the transparent panels 17 can be removed.

As presently called for in the claims, the side panels can be easily installed and removed, providing significant advantages over the prior art. As discussed on pages 14-15 of the present application, the easily removed side panels of the present invention can be used in several unique ways. For example, the user can selectively remove panels from the outdoor fireplace to control the exposure of the environment to the flame. Alternatively, the user can selectively remove panels from the outdoor fireplace to distribute heat in the desired directions. Even further, after using the outdoor fireplace, the user can install all of the side panels to protect the burner components from the environment during storage.

For the above mentioned reasons, the Applicants believe that the claims are sufficiently distinguished from the prior art and are in condition for allowance. **Applicant believes that a two month extension of time is required in connection with this filing. You are hereby authorized to deduct the required amount from our Deposit Account No. 02-0400 (Baker & McKenzie).** *When identifying such a withdrawal, please use the Attorney Docket Number WEB-961.*

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Respectfully,

A handwritten signature in dark ink, appearing to read 'D. Tallitsch', with a long horizontal line extending to the right.

Daniel A. Tallitsch
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